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No. 89, Original

In the Supreme Court of the United States

OCTOBER TERM, 1981

STATE OF CALIFORNIA EX REL.
STATE LANDS COMMISSION, PLAINTIFF

v.

UNITED STATES OF AMERICA

ON BILL OF COMPLAINT

ANSWER

REX E. LEE
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ANSWER

The United States of America, by its Solicitor General, answers the complaint of the State of California as follows:

With respect to each of the numbered paragraphs:

1. Admits the allegations of paragraph 1.

2. Admits that this Court has jurisdiction over the action.

3. Admits that through 28 U.S.C. 2409a the United States has consented to be sued in this action. Denies the remaining allegation of paragraph 3.

4. Admits that by the Treaty of Guadalupe Hidalgo, 9 Stat. 922, the United States was ceded, *inter alia*, all title to tide and submerged lands held by the former sovereign Mexico. Admits that so much of said tide and submerged lands as lie landward of the coastline were held in trust for the future states that were formed from the ceded territory. Denies that so much of such

tide and submerged lands as lie seaward of the coastline were held in trust for the future states that were formed from the ceded territory.

5. Admits that upon its admission to the Union California became vested with absolute title to submerged and tidelands landward of the coastline. Admits that, except as such lands were retained by the United States pursuant to Section 5 of the Submerged Lands Act (43 U.S.C. 1313), the said Act vested absolute title in California to all submerged lands seaward and within three nautical miles of the coastline, so long as such lands remained submerged and within such distance from the ambulatory coastline, as that term has been defined by this Court's decisions under the Act. Denies that California has any interest in submerged lands more than three nautical miles from the coastline.

6. As to the tide and submerged lands to which California holds title, the United States has insufficient information upon which to form a belief as to whether or not they are held in trust for the people of California.

7. Admits the allegations of paragraph 7.

8. Admits the allegations of paragraph 8.

9. Admits the allegations of paragraph 9.

10. Admits the allegation of paragraph 10.

11. Denies the allegation of paragraph 11.

12. Responds to the allegations of paragraph 12 as it responded to each of those allegations when set out in paragraphs 1 through 11.

13. Admits the allegation of paragraph 13.

14. Denies the allegations of paragraph 14.

15. Responds to the allegations of paragraph 15 as it responded to each of those allegations when set out in paragraphs 1 through 11.

16. Admits the allegations of paragraph 16 except denies any inference that California has any interest in and to the subject land.

WHEREFORE, the United States prays for the following relief:

1. That judgment be entered quieting the title of the United States in and to the subject land and declaring that the plaintiff State of California has no right, title or interest in or to said land and that said plaintiff State of California be forever barred from asserting any claim whatsoever in the subject land or any part thereof adverse to the United States.

2. For the United States' costs of suit herein.

3. For such further relief as this Court may deem just and proper.

REX E. LEE
Solicitor General

NOVEMBER 1981

DOJ-1981-11